

By: Talarico

H.B. No. 4117

A BILL TO BE ENTITLED

AN ACT

1
2 relating to providing high-quality tutoring services to public
3 school students, including the creation of the Texas Tutor Corps
4 program, the establishment of a COVID-19 learning loss and student
5 acceleration pilot program, and the use of the compensatory
6 education allotment for tutoring services programs.

7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

8 SECTION 1. Subchapter C, Chapter 29, Education Code, is
9 amended by adding Section 29.0841 to read as follows:

10 Sec. 29.0841. TEXAS TUTOR CORPS PROGRAM. (a) In this
11 section:

12 (1) "Hard-to-staff school" means a high-need school
13 that has a high rate of teacher turnover or a large concentration of
14 teachers in their first or second year of teaching.

15 (2) "High-need school" has the meaning assigned by the
16 Elementary and Secondary Education Act of 1965 (20 U.S.C. 6631).

17 (3) "Program" means the Texas Tutor Corps program
18 established under this section.

19 (b) The agency shall establish and administer a Texas Tutor
20 Corps program to develop and support a statewide network of tutors
21 and to provide grants to school districts and open-enrollment
22 charter schools that are hard-to-staff schools or high-need
23 schools, for the purpose of establishing local consortia, as
24 described by Subsection (e), to collaborate on the provision of

1 high-quality tutoring services for students enrolled at the
2 district or school. The program must:

3 (1) include time for planning and collaboration among
4 tutors;

5 (2) match tutors with students based on the tutor's
6 expertise in a particular subject area or grade level and the
7 student's subject area tutoring needs or grade level;

8 (3) include high-quality pre-service training and
9 ongoing professional support for tutors serving under the program;

10 (4) be facilitated by the local consortium established
11 by the district or school;

12 (5) provide compensation for tutors; and

13 (6) prioritize the recruitment and selection of
14 individuals enrolled in state-approved educator preparation
15 programs to serve as tutors.

16 (c) The following individuals may serve as tutors under the
17 program:

18 (1) certified and retired educators;

19 (2) paraprofessionals and teacher's aides;

20 (3) recent graduates of educator preparation
21 programs; and

22 (4) postsecondary students enrolled in educator
23 preparation programs.

24 (d) Tutoring services provided under the program must:

25 (1) be led by a tutor;

26 (2) be provided in a one-on-one or small group setting
27 with a ratio of not more than one tutor for every four students;

1 (3) occur in multiple sessions of sufficient length
2 each week to ensure adequate time for delivery of tutoring
3 services;

4 (4) be provided during the regular school day or
5 immediately before or after school and during school vacation
6 periods; and

7 (5) align with local standards and curriculum.

8 (e) For purposes of this section, a local consortium of
9 community partners:

10 (1) includes the following entities, one of which
11 serves as the lead entity of the consortium:

12 (A) an educator preparation program under
13 Section 21.0442; and

14 (B) one or more:

15 (i) school districts or district campuses;

16 (ii) open-enrollment charter schools or
17 charter school campuses; and

18 (iii) regional education service centers;

19 and

20 (2) may include:

21 (A) community-based organizations;

22 (B) agencies serving children and youth;

23 (C) institutions of higher education;

24 (D) educator organizations;

25 (E) organizations representing education
26 professionals;

27 (F) local governments and local governmental

1 entities;

2 (G) student organizations; and

3 (H) parent organizations.

4 (f) A school district or open-enrollment charter school
5 awarded a grant under this section may use the grant money to pay
6 for:

7 (1) training tutors and placing tutors at district or
8 school campuses;

9 (2) supporting tutors to work with small groups of
10 students;

11 (3) matching tutors with students and mentors;

12 (4) providing stipends to tutors and mentors;

13 (5) purchasing instructional materials and
14 connectivity resources, including Internet access and devices
15 capable of connecting to the Internet;

16 (6) providing transportation for students attending
17 the tutoring program;

18 (7) providing meals and snacks for students attending
19 the tutoring program; and

20 (8) providing facilities for conducting the tutoring
21 program.

22 (g) In awarding grants under this section, the
23 commissioner:

24 (1) must consider the quality of the tutoring proposed
25 to be provided;

26 (2) may leverage federal funding to pay for not more
27 than 50 percent of the costs under the program, including, to the

1 extent authorized by federal law, funds from the Temporary
2 Assistance for Needy Families program;

3 (3) must consider the amount of funds distributed to
4 the school district or open-enrollment charter school under Chapter
5 48; and

6 (4) must use any funds appropriated or otherwise
7 available for the purposes of this program.

8 (h) The commissioner may accept gifts, grants, or donations
9 from any public or private source for purposes of this section.

10 (i) Notwithstanding Subsection (b), the commissioner is
11 required to establish the program under this section only if the
12 legislature appropriates money specifically for that purpose. If
13 the legislature does not appropriate money specifically for that
14 purpose, the commissioner may, but is not required to, establish
15 the program under this section using other appropriations available
16 for that purpose.

17 SECTION 2. Section 25.085(d), Education Code, is amended to
18 read as follows:

19 (d) Unless specifically exempted by Section 25.086, a
20 student enrolled in a school district must attend:

21 (1) an extended-year program for which the student is
22 eligible that is provided by the district for students identified
23 as likely not to be promoted to the next grade level or tutorial
24 classes required by the district under Section 29.0841 [~~29.084~~];

25 (2) an accelerated reading instruction program to
26 which the student is assigned under Section 28.006(g);

27 (3) an accelerated instruction program to which the

1 student is assigned under Section 28.0211;

2 (4) a basic skills program to which the student is
3 assigned under Section 29.086; or

4 (5) a summer program provided under Section 37.008(1)
5 or Section 37.021.

6 SECTION 3. Sections 29.088(b) and (c), Education Code, are
7 amended to read as follows:

8 (b) Before providing a program under this section, the board
9 of trustees of a school district must adopt a policy for:

10 (1) determining student eligibility for participating
11 in the program that:

12 (A) prescribes the grade level or course a
13 student must be enrolled in to be eligible; and

14 (B) provides for considering teacher
15 recommendations in determining eligibility;

16 (2) ensuring that parents of or persons standing in
17 parental relation to eligible students are provided notice of the
18 program;

19 (3) ensuring that eligible students are encouraged to
20 attend the program;

21 (4) ensuring that the program is offered at one or more
22 locations in the district that are easily accessible to eligible
23 students; ~~and~~

24 (5) measuring student progress on completion of the
25 program; and

26 (6) ensuring that all instruction, intervention, and
27 support is provided by an appropriately qualified educator or

1 person enrolled in an educator preparation program, including a
2 person participating in the Texas Tutor Corps program under Section
3 29.0841.

4 (c) The commissioner by rule shall:

5 (1) prescribe a procedure that a school district must
6 follow to apply for and receive funding for a program under this
7 section;

8 (2) adopt guidelines for determining which districts
9 receive funding if there is not sufficient funding for each
10 district that applies;

11 (3) require each district providing a program to
12 report student performance results to the commissioner within the
13 period and in the manner prescribed by the rule; ~~and~~

14 (4) based on district reports under Subdivision (3)
15 and any required analysis and verification of those reports,
16 disseminate to each district in this state information concerning
17 instructional methods that have proved successful in improving
18 student performance in mathematics; and

19 (5) require each district providing a program under
20 this section to submit a description of the methods by which the
21 program will accelerate student learning, including whether the
22 district plans to implement a high-quality tutoring program.

23 SECTION 4. Sections 29.090(b) and (c), Education Code, are
24 amended to read as follows:

25 (b) Before providing a program under this section, the board
26 of trustees of a school district must adopt a policy for:

27 (1) determining student eligibility for participating

1 in the program that:

2 (A) prescribes the grade level or course a
3 student must be enrolled in to be eligible; and

4 (B) provides for considering teacher
5 recommendations in determining eligibility;

6 (2) ensuring that parents of or persons standing in
7 parental relation to eligible students are provided notice of the
8 program;

9 (3) ensuring that eligible students are encouraged to
10 attend the program;

11 (4) ensuring that the program is offered at one or more
12 locations in the district that are easily accessible to eligible
13 students; ~~and~~

14 (5) measuring student progress on completion of the
15 program; and

16 (6) ensuring that all instruction, intervention, and
17 support is provided by an appropriately qualified educator or
18 person enrolled in an educator preparation program, including a
19 person participating in the Texas Tutor Corps program under Section
20 29.0841.

21 (c) The commissioner by rule shall:

22 (1) prescribe a procedure that a school district must
23 follow to apply for and receive funding for a program under this
24 section;

25 (2) adopt guidelines for determining which districts
26 receive funding if there is not sufficient funding for each
27 district that applies;

1 (3) require each district providing a program to
2 report student performance results to the commissioner within the
3 period and in the manner prescribed by the rule; ~~and~~

4 (4) based on district reports under Subdivision (3)
5 and any required analysis and verification of those reports,
6 disseminate to each district in this state information concerning
7 instructional methods that have proved successful in improving
8 student performance in science; and

9 (5) require each district providing a program under
10 this section to submit a description of the methods by which the
11 program will accelerate student learning, including whether the
12 district plans to implement a high-quality tutoring program.

13 SECTION 5. Section 29.091(c), Education Code, is amended to
14 read as follows:

15 (c) To be eligible to participate in the program, a school
16 district must:

17 (1) have an enrollment of students who are
18 educationally disadvantaged that is greater than 50 percent of
19 total district enrollment;

20 (2) apply to the commissioner in the manner and within
21 the time prescribed by commissioner rule; ~~and~~

22 (3) provide as part of the application materials a
23 plan that is designed to achieve the purposes described by
24 Subsections (b)(1) through (5); and

25 (4) participate in a local consortium described under
26 Section 29.0841 that supports the Texas Tutor Corps program under
27 that section.

1 SECTION 6. Subchapter C, Chapter 29, Education Code, is
2 amended by adding Section 29.0941 to read as follows:

3 Sec. 29.0941. COVID-19 LEARNING LOSS AND STUDENT
4 ACCELERATION PILOT PROGRAM. (a) In this section, "pilot program"
5 means the COVID-19 learning loss and student acceleration pilot
6 program established under this section.

7 (b) The commissioner by rule shall establish a pilot program
8 under which, for the 2021-2022 and 2022-2023 school years,
9 participating school district or open-enrollment charter school
10 campuses may provide tutoring intervention to students using a
11 high-quality tutoring program that meets the criteria described by
12 29.0841(d) to address learning loss due to the disruption in public
13 education caused by the coronavirus disease (COVID-19) pandemic.

14 (c) A campus may apply to the commissioner to participate in
15 the pilot program. A campus that submits an application must
16 include with the application materials a summary of the campus's
17 proposed high-quality tutoring program to the commissioner for
18 approval. The commissioner shall prioritize campuses that are part
19 of an established local consortium described under Section 29.0841
20 and providing tutoring services under the Texas Tutor Corps
21 program, including using tutors who are enrolled in state-approved
22 educator preparation programs.

23 (d) The commissioner shall adopt minimum criteria that a
24 program must meet to be selected for use by a participating campus.
25 The criteria must include principles and practices consistent with
26 best practices related to a scientific understanding of how
27 students learn. The commissioner may only approve a program for use

1 by a campus under the pilot program that meets the minimum criteria
2 established under this section.

3 (e) Not later than December 31, 2022, the agency, in
4 consultation with each vendor of a high-quality tutoring program
5 approved under Subsection (d) and each school district with which
6 the vendor contracts under this section, shall provide the
7 legislature with a report describing student progress under the
8 pilot program.

9 (f) The commissioner may accept gifts, grants, or donations
10 from any public or private source for purposes of this section.

11 (g) Notwithstanding Subsection (b), the commissioner is
12 required to establish the pilot program under this section only if
13 the legislature appropriates money specifically for that purpose.
14 If the legislature does not appropriate money specifically for that
15 purpose, the commissioner may, but is not required to, establish
16 the pilot program under this section using other appropriations
17 available for that purpose.

18 (h) The commissioner shall adopt rules necessary to
19 implement this section.

20 (i) This section expires September 1, 2023.

21 SECTION 7. (a) This section takes effect only if the Act of
22 the 87th Legislature, Regular Session, 2021, relating to
23 nonsubstantive additions to and corrections in enacted codes
24 becomes law.

25 (b) Section 48.104(j-1), Education Code, is amended to read
26 as follows:

27 (j-1) In addition to other purposes for which funds

1 allocated under this section may be used, those funds may also be
2 used to:

3 (1) provide child-care services or assistance with
4 child-care expenses for students at risk of dropping out of school,
5 as described by Section 29.081(d)(1)(E) [~~29.081(d)(5)~~]; [~~or~~]

6 (2) pay the costs associated with services provided
7 through a life skills program in accordance with Sections
8 29.085(b)(1) and (3)-(7); or

9 (3) pay costs associated with tutoring services
10 provided under the Texas Tutor Corps program under Section 29.0841.

11 SECTION 8. (a) This section takes effect only if the Act of
12 the 87th Legislature, Regular Session, 2021, relating to
13 nonsubstantive additions to and corrections in enacted codes does
14 not become law.

15 (b) Section 48.104(j-1), Education Code, is amended to read
16 as follows:

17 (j-1) In addition to other purposes for which funds
18 allocated under this section may be used, those funds may also be
19 used to:

20 (1) provide child-care services or assistance with
21 child-care expenses for students at risk of dropping out of school,
22 as described by Section 29.081(d)(5); [~~or~~]

23 (2) pay the costs associated with services provided
24 through a life skills program in accordance with Sections
25 29.085(b)(1) and (3)-(7); or

26 (3) pay costs associated with tutoring services
27 provided under the Texas Tutor Corps program under Section 29.0841.

1 SECTION 9. Sections 29.084 and 29.094, Education Code, are
2 repealed.

3 SECTION 10. This Act applies beginning with the 2021-2022
4 school year.

5 SECTION 11. This Act takes effect immediately if it
6 receives a vote of two-thirds of all the members elected to each
7 house, as provided by Section 39, Article III, Texas Constitution.
8 If this Act does not receive the vote necessary for immediate
9 effect, this Act takes effect September 1, 2021.